

and Rand PE Fund I, LP, Series 1 (“**Rand**” and together with HMIT, the “**HMIT Defendants**” and/or “**Cross-Plaintiffs**”), and Defendants: (a) Dugaboy Investment Trust; (b) Mark & Pamela Okada Family Trust - Exempt Trust #1; (c) Mark & Pamela Okada Family Trust - Exempt Trust #2; and (d) Mark K. Okada (Defendants (a) - (d), collectively, the “**Prior Class A Holders**” and/or “**Cross-Defendants**”), IT IS HEREBY ORDERED THAT:

1. The Joint Stipulation of Dismissal is APPROVED.
2. The HMIT Defendants/Cross-Plaintiffs’ cross-claims against the Prior Class A Holders/Cross-Defendants are hereby dismissed with prejudice to the refiling of same.

###End of Order###

Submitted by:

/s/ E. P. Keiffer
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HUNTER MOUNTAIN INVESTMENT
TRUST AND RAND PE FUND I, LP, SERIES 1**

With the agreement of:

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ATTORNEYS FOR DEFENDANT

**Order Approving Joint Stipulation of Dismissal
of Cross-Claims with Prejudice**

DUGABOY INVESTMENT TRUST

AND

/s/ Brian D. Glueckstein

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MARK K. OKADA, THE MARK & PAMELA

OKADA FAMILY TRUST – EXEMPT TRUST #1,

AND THE MARK & PAMELA OKADA

FAMILY TRUST – EXEMPT TRUST #2

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**



**Adversary Proceeding
No. 21-03076-sgj**

Defendants Hunter Mountain Investment Trust (“**HMIT**”) and Rand PE Fund I, LP, Series 1 (“**Rand**” and together with HMIT, the “**HMIT Defendants**” and/or “**Cross-Plaintiffs**”), and Defendants: (a) Dugaboy Investment Trust; (b) Mark & Pamela Okada Family Trust – Exempt Trust #1; (c) Mark & Pamela Okada Family Trust – Exempt Trust #2; and (d) Mark K. Okada (Defendants (a) – (d), collectively, the “**Prior Class A Holders**” and/or “**Cross-Defendants**”), enter into this *Joint Stipulation of Dismissal of Cross-Claims With Prejudice*

pursuant to F.R.B.P. Rule 7041 (the “**Joint Stipulation of Dismissal**”) regarding the HMIT Defendants/Cross-Plaintiffs’ cross-claims against the Prior Class A Holders/Cross-Defendants.

Recitals

Whereas, on October 15, 2021, Marc S. Kirschner, as Litigation Trustee of the Litigation Sub-Trust, commenced this adversary proceeding by filing his *Complaint and Objection to Claims* [Docket No. 1] against James D. Dondero, et al.

Whereas, on March 23, 2022, the HMIT Defendants filed *Defendants Hunter Mountain Investment Trust and Rand PE Fund I, LP, Series 1’s: (i) Answer to Plaintiff’s Complaint and Objection to Claims; and (ii) Cross-Claims Against Class A Limited Partners of HCMLP* [Docket No. 124].

Whereas, on April 6, 2022, the HMIT Defendants and the Class A Limited Partners filed their *Stipulation Extending Prior Class A Holders’ Deadline to Respond to HMIT Defendants’ Cross-Claims* [Docket No. 152] which extended the Class A Holders/Cross-Defendants deadline to respond to the HMIT Defendants/Cross-Plaintiffs’ cross-claims through and including June 12, 2022.

Whereas, on or about the June 21, 2022, the HMIT Defendants/Cross-Plaintiffs’ and the Class A Holders/Cross-Defendants have entered into a Confidential Settlement and Release Agreement thereby resolving the HMIT Defendants/Cross-Plaintiffs’ cross-claims against the Class A Holders/Cross-Defendants.

Whereas, the HMIT Defendants/Cross-Plaintiffs’ and the Class A Holders/Cross Defendants acknowledge that this Joint Stipulation of Dismissal meets all of the requirements of F.R.B.P. Rule 7041 and case law construing the requirements for a dismissal with prejudice of the HMIT Defendants/Cross-Plaintiffs’ cross-claims against the Class A Holders/Cross Defendants.

NOW, THEREFORE, it is hereby stipulated and agreed, and upon approval of this Joint Stipulation of Dismissal by the Court, it shall be SO ORDERED:

1. The HMIT Defendants/Cross-Plaintiffs' cross-claims against the Prior Class A Holders/Cross-Defendants are hereby dismissed with prejudice to the refiling of same.

Dated: June 22, 2022

/s/ E. P. Keiffer

E. P. Keiffer

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AND

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**ATTORNEYS FOR DEFENDANTS MARK
K. OKADA, THE MARK & PAMELA
OKADA FAMILY TRUST – EXEMPT
TRUST #1, AND THE MARK & PAMELA
OKADA FAMILY TRUST – EXEMPT
TRUST #2**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Stipulation of Dismissal was served electronically on all necessary parties pursuant to this Court's CM/ECF system on the 22nd day of June, 2022.

/s/ E. P. Keiffer

E. P. Keiffer